THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

TAKEN UP WRIT PETITION NO.11540 OF 2007
DATE: 26.6.2007

Between:

G. Santosh Anand, S/o Late Sri Suresh Hindu, and two others

…Petitioners

AND

1. The Superintendent of Police, Krishna District at Machilipatnam and five others

….Respondents

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THE HON'BLE SRI JUSTICE D.S.R.VARMA

AND

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TAKEN UP WRIT PETITION NO. 11540 OF 2007

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. The grievance in this Writ Petition expressed by the petitioners viz., parents and husband of one Ms. Swapna Rani is that Ms. Swapna Rani was taken away illegally by the 5th respondent.

3. The respondent No.2-Inspector of Police, Malkajgiri Police Station, Cyberabad, and respondent No.2-Sub-Inspector of Police, Chilakalapudi Police Station, Machilipatnam, Krishna District, filed counter-affidavits stating, *inter alia*, that the alleged detenu is residing within the Chilakalapudi Police Station limits and a case in Crime No.294 of 2007, under the head 'Woman Missing', was registered by Malkajgiri Police Station, Cyberabad; that the alleged detenu made a representation, dated 23.05.2007, to the respondent No.1-Superintendent of Police, Krishna District, Machilipatnam, stating that she has voluntarily left the matrimonial home along with her minor daughter, as she was subjected to harassment at the hands of her husband and sought protection; that, later on, during the course of investigation, the Malkajgiri Police found that the alleged detenu also addressed petitions to the Project Director, Women and Child Welfare, Vijayawada, Krishna District, and the Commissioner, State Mahila Commission, Secunderabad, complaining the same. It appears that she also filed a petition in C.F.No.302 before the Court of I Additional District and Sessions Judge-cum-Special Judge under Human Rights Act, Krishna at Machilipatnam, under Sections 13 and 17 of the Protection of Human Rights Act, 1993.

4. Upon the statements made in the counter-affidavits, this Court directed the official respondents to produce the alleged detenu before this Court and accordingly she was produced before this Court, along with her child. Upon questioning by this Court, she stated that she left her matrimonial house on her own volition, owing to the harassment meted out to her by her husband and, at present,

she has been living with her friends at Machilipatnam, Krishna District. She further asserted that there is absolutely no coercion whatsoever from anybody on her part and admitted that she gave a complaint to the Police, Malkajgiri Police Station, on 23.05.2007 and also approached the I Additional District and Sessions Judge, Machilipatnam, invoking the jurisdiction of Human Rights Act.

5. Having regard to the facts and circumstances and since the lady by name G. Swapna Rani left the matrimonial home voluntarily and staying with her friends at Machilipatnam, this Court cannot force her to stay with her husband. However, the aggrieved persons either the husband or the parents of the alleged detenu can work out their remedies elsewhere, as provided under law.

6. With the above observations, the Writ Petition is closed, at the stage of admission. No order as to costs.

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D.S.R.VARMA, J

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D. APPA RAO, J

Dated: 26.06.2007

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